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BELL, BOYD & LLOYD LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			RADA, ALEX P	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

### Office Action Summary

Application No.

10/659.629

**Applicant(s)**

BAERLOCHER ET AL.

**Examiner**

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.  
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/11/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "the," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. Correction is required. See MPEP § 608.01(b).

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of claim 35 enabling a player to accept or reject selected outcome and a flow chart regarding the steps that occur after the first round and after the second round of claims 44-60 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-34, 36, 39, and 42-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Berg et al. (US 6,863,606).

5. Berg et al disclose the following:

A first round, a plurality of different outcomes of the first round, in which the examiner interprets the choosing one of a desirable answer to be an equivalent to a first round and a plurality of different outcomes of the first round (figure 2 and col. 5, lines 17-56), a second round, at least one winning outcome of the second round, in which the examiner interprets the choosing another desirable answer to be an equivalent to a second round and at least one winning outcome of the second round (figure 2 and col. 5, lines 17-56), a plurality of different probabilities of providing the winning outcome of the second round (tables in col. 8, line 47 – col. 10, line 54), a display device (16), and a processor (within game machine 10) operable with the display device to (a) select and display at least one of the outcomes of the first round (figure 2 and col. 8, line 47 – col. 10, line 54), (b) select one of the different probabilities of providing the winning outcome of the second round (figure 2 and col. 8, line 47 – col. 10, line 54), wherein the probability of providing the winning outcome of the second round is selected based on the selected outcome of the first round (col. 8, line 47 – col. 10, line 54), and (c) determine whether to provide a player the winning outcome of the second round (tables in col. 9 – col. 10), wherein the determination is based on the selected probability of providing the winning outcome of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claim 1..

The processor is operable to provide the player an award based on the selected outcome of the first round and the winning outcome of the second round if the determination is to provide the player the winning outcome of the second round

(figures 2-5 and tables in col. 9, line 47 – col. 10, line 54) as recited in claims 2 and 12.

The processor is operable to provide the player an award based on the selected outcome of the first round if the determination is not to provide the player the winning outcome of the second round (figures 2-5 and tables in col. 8, line 47 – col. 10, line 54) as recited in claims 3 and 13.

The processor is operable to enable the player to play the first round, in which the examiner interprets the choosing one of a desirable answer to be an equivalent to a first round (figure 2) as recited in claims 4 and 14.

The processor is operable to enable the player to play the second round, in which the examiner interprets the choosing another desirable answer to be an equivalent to a second round (figure 2) as recited in claims 5 and 15.

The processor is operable to enable the player to play the first round and the second round, in which the examiner interprets the choosing one or more desirable answers to be equivalent to enable the player to play the first round and the second round (figure 2 and col. 8, line 47 – col. 10, line 54) as recited in claims 6 and 16.

Having at least one subsequent round, at least one winning outcome of the subsequent round (figure 2) and a plurality of different probabilities of providing the winning outcome of the subsequent round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claims 7 and 17.

The processor is operable to select one of the probabilities of providing the winning outcome of the subsequent round based on the selected outcome of the first round and determine whether to provide the player the winning outcome of the

subsequent round based on the selected probability of providing the winning outcome of the subsequent round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claims 8 and 18.

The processor is operable to select one of the probabilities of providing the winning outcome of the subsequent round based on the selected outcome of the second round and determine whether to provide the player the winning outcome of the subsequent round based on the selected probability of providing the winning outcome of the subsequent round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claims 9 and 19.

The processor is operable to select one of the probabilities of providing the winning outcome of the subsequent round based on the selected outcome of the first round and the second round and determine whether to provide the player the winning outcome of the subsequent round based on the selected probability of providing the winning outcome of the subsequent round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claims 10 and 20.

A primary wagering game (column 3, lines 28-31) operable upon a wager by a player, a first round, a plurality of different outcomes of the first round, in which the examiner interprets the choosing one of a desirable answer to be an equivalent to a first round and a plurality of different outcomes of the first round (figure 2 and col. 5, lines 17-56), a second round, at least one winning outcome of the second round, in which the examiner interprets the choosing another desirable answer to be an equivalent to a second round and a plurality of different outcomes of the second round (figure and col. 5, lines 17-56), a plurality of different probabilities of

providing the winning outcome of the second round (tables in col. 9 – col. 10), and a triggering event associated with the primary wagering game, inherently there must be some type of trigger event in a bonus or a secondary type event feature, wherein after the occurrence of the triggering event: (a) one of the plurality of outcomes of the first round is selected and displayed, in which the examiner interprets the choosing of a desirable answer to be an equivalent to one of the plurality of outcomes of the first round is selected and displayed (figure 2 and col. 5, lines 17-56), (b) one of the different probabilities of providing the winning outcome of the second round is selected, wherein the probability of providing the winning outcome of the second round is selected based on the selected outcome of the first round, and (c) a determination of whether to provide the player the winning outcome of the second round occurs, wherein the determination is based on the selected probability of providing the winning outcome of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claim 11

A first round, a plurality of positive outcomes of the first round, in which the examiner interprets the choosing one of a desirable answer to be an equivalent to a first round and a plurality of positive outcomes (figure 2 and col. 5, lines 17-56), a second round, at least one positive outcome of the second round, in which the examiner interprets the choosing another desirable answer to be an equivalent to a second round and at least one positive outcome of the second round (figure 2 and col. 5, lines 17-56), a plurality of different probabilities of providing the positive outcome of the second round (col. 8, line 47 – col. 10, line 54), a display device (figure1 1), and a processor operable with the display device to (a) select and display



a number of the plurality of positive outcomes of the first round (figures 2-5 and col. 8, line 47 – col. 10, line 54), (b) select one of the different probabilities of providing the positive outcome of the second round, wherein the probability of providing the positive outcome of the second round is selected based on the number of selected positive outcomes of the first round (col. 8, line 47 – col. 10, line 54), and (c) determine whether to provide a player the positive outcome of the second round, wherein the determination is based on the selected probability of providing the positive outcome of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claim 21.

A primary wagering game operable upon a wager by a player (column 3, lines 28-31), a first round, a plurality of different positive outcomes of the first round, in which the examiner interprets the choosing of a desirable answer to be an equivalent to a first round and a plurality of different positive outcomes of the first round (figure 2 and col. 5, lines 17-56), a second round, at least one positive outcome of the second round, in which the examiner interprets the choosing of another desirable answer to be an equivalent to a second round and at least one positive outcome of the second round (figure 2 and col. 5, lines 17-56), a plurality of different probabilities of providing the positive outcome of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54), and a triggering event associated with the primary wagering game, inherently there must be some type of trigger event in a bonus or a secondary type event feature, wherein after the occurrence of the triggering event, (a) a number of the plurality of positive outcomes of the first round are selected and displayed (figures 2-5 and col. 8, line 47 – col. 10, line 54), (b) one of the different

probabilities of providing the positive outcome of the second round is selected, wherein the probability of providing the positive outcome of the second round is selected based on the number of selected positive outcomes of the first round (figures 2-5 and col. 8, line 47 – col. 10, line 54), and (c) a determination of whether to provide the player the positive outcome of the second round occurs, wherein the determination is based on the selected probability of providing the positive outcome of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claim 22.

A first round, in which the examiner interprets the choosing of a desirable answer having an associated value to be an equivalent to a first round, a range of different values of the first round (figure 2), a second round including a modifier, in which the examiner interprets the choosing a another desirable answer having an associated value to be an equivalent to a second round including a modifier (figure 2 and col. 5, lines 17-56), a range of different probabilities of obtaining the modifier of the second round (col. 8, line 47 – col. 10, line 54), a display device (figure 2 and col. 5, lines 17-56), and a processor operable with the display device to (a) indicate at least one of the values of the first round to a player (figure 2 and col. 5, lines 17-56), (b) select one of the different probabilities of obtaining the modifier of the second round, in which the examiner interprets the choosing of a desirable answer having an associated value (col. 8, line 47 – col. 10, line 54), wherein the greater the indicated value of the first round the lower or higher the selected probability of obtaining the modifier of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54), (c) determine whether to provide the player the modifier of the second round, wherein

the determination is based on the selected probability of obtaining the modifier of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54), (d) provide the player the indicated value of the first round if the determination is not to provide the player the modifier of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54), and (e) modify the indicated value of the first round by the modifier of the second round if the determination is to provide the player the modifier of the second round, in which the examiner interprets the adding of the associated values that correspond to the desirable answer to be an equivalent to the modifying the value of the first round and the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claims 23 and 31.

The processor is operable to provide the player any modified value (figure 2) as recited in claims 24, 28, 32, and 34.

The first round includes a plurality of opportunities to obtain the values (figure 2), wherein each of the opportunities is associated with a probability of obtaining one of the values (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claims 25 and 29.

The processor is operable to provide the player at least one of the plurality of opportunities (col. 5, lines 17-22) and to determine based on the associated probability for each provided opportunity whether to indicate one of the values (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claims 26 and 30.

A primary wagering game operable upon a wager by a player (column 3, lines 28-31), a first round, a range of different values of the first round, in which the examiner interprets the choosing of a desirable answer to be an equivalent to a first

round and a plurality of different positive outcomes of the first round (figure 2 and col. 5, lines 17-56), a second round including a modifier, in which the examiner interprets the choosing a another desirable answer having an associated value to be an equivalent to a second round including a modifier (figure 2 and col. 5, lines 17-56), a range of different probabilities of obtaining the modifier of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54), a triggering event associated with the primary wagering game wherein after the occurrence of the triggering event, inherently there must be some type of trigger event in a bonus or a secondary type event feature, (a) at least one of the values of the first round is indicated to the player (figure 2), (b) one of the different probabilities of obtaining the modifier of the second round is selected, wherein the greater the indicated value of the first round the lower or higher the selected probability of obtaining the modifier of the second round (col. 8, line 47 – col. 10, line 54), (c) a determination of whether to provide the player the modifier of the second round occurs, wherein the determination is based on the selected probability of obtaining the modifier of the second round (col. 8, line 47 – col. 10, line 54), (d) the player is provided the indicated value of the first round if the determination is not to provide the player the modifier of the second round, and (e) the indicated value of the first round is modified by the modifier of the second round if the determination is to provide the player the modifier of the second round, in which the examiner interprets the adding of the associated values that correspond to the desirable answer to be an equivalent to the modifying the value of the first round and the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claims 27 and 33.

A first round, a plurality of different outcomes of the first round, in which the examiner interprets the choosing of a desirable or undesirable answer to be an equivalent to a first round and a plurality of different outcomes of the first round (figure 2 and col. 5, lines 17-56), a second round, a plurality of different outcomes of the second round, in which the examiner interprets the choosing of another desirable or undesirable answer to be an equivalent to a second round and a plurality of different outcomes of the second round (figure 2 and col. 5, lines 17-56), wherein each one of the outcomes of the second round is individually associated with a different one of the outcomes of the first round, at least one display device, and a processor operable with the display device to select at least one of the outcomes of the first round and display the selected outcome of the first round, wherein when the selected outcome of the first round is displayed, the associated outcome of the second round is prevented from being obtained in the second round, in which the examiner interprets a desirable award is chosen and displayed in the first round and an undesirable award is chosen in the second round to be an equivalent to the selected outcome of the first round is displayed, the associated outcome of the second round is prevented from being obtained in the second round (figure 2 and col. 5, lines 17-56) as recited in claim 36.

A plurality of first outcomes, in which the examiner interprets the choosing of a desirable or undesirable answer to be an equivalent to a plurality of first outcomes, a plurality of second outcomes, in which the examiner interprets the choosing another desirable or undesirable answer to be an equivalent to a plurality of second first outcomes, wherein each of the second outcomes is individually

associated with a different one of the first outcomes (figure 2), and a player award adapted to be provided to a player which includes at least one of the first outcomes and at least one of the second outcomes, wherein for each provided first outcome the associated second outcome cannot be provided to the player and for each provided second outcome the associated first outcome cannot be provided to the player, in which the examiner interprets the choosing an undesirable answers for first and second outcome to be an equivalent to at least one of the first outcomes and at least one of the second outcomes, wherein for each provided first outcome the associated second outcome cannot be provided to the player and for each provided second outcome the associated first outcome cannot be provided to the player as recited in claim 39.

The player is enabled to select at least one of the first outcomes, in which the examiner interprets the choosing of a desirable answer (figure 2) as recited in claim 42.

The player is enabled to select at least one of the second outcomes, in which the examiner interprets the choosing another desirable answer (figure 2) as recited in claim 43.

A first round, a plurality of values of the first round, wherein each value is associated with a probability, in which the examiner interprets the choosing of a desirable answer associated with a value to be an equivalent to a first round and a plurality of values of the first round (figures 2-5 and col. 8, line 47 – col. 10, line 54), a second round including a modifier, a plurality of probabilities of obtaining the modifier of the second round, in which the examiner interprets the choosing of

another desirable answer associated within a value capable of being a modifier to be an equivalent to a second round and a plurality of probabilities of obtaining the modifier (figures 2-5 and col. 8, line 47 – col. 10, line 54), a display device (figure 1), and a processor (within figure 1) operable with the display device to: (a) enable a player to play the first round, wherein the first round includes: (i) selecting one of the plurality of values, in which the examiner interprets the choosing of a desirable answer to be an equivalent to enable a player to play a first round (figure 2), (ii) determining whether to provide the selected value to the player, wherein the determination is based on the probability associated with the selected value (figures 2-5 and col. 8, line 47 – col. 10, line 54), (iii) providing the selected value to the player if the determination is to provide the selected value to the player (figures 2-5 and col. 8, line 47 – col. 10, line 54), and (iv) repeating steps (i) to (iii) until the occurrence of a terminating event, in which the examiner interprets the choosing of an undesirable answer to be an equivalent to the occurrence of a terminating event, (b) enabling the player to play the second round after the occurrence of the terminating event, in which the examiner interprets the choosing of another desirable answer after the choosing of an undesirable answer to be an equivalent to enabling the player to play the second round after the occurrence of the terminating event (Figure 2 items 44), wherein the second round includes: (v) selecting one of the probabilities of obtaining the modifier of the second round wherein the probability of obtaining the modifier is selected based on the number of provided values of the first round (figures 2-5 and col. 8, line 47 – col. 10, line 54), (vi) determining whether the player obtains the modifier, wherein the determination is based on the selected

probability of obtaining the modifier (figures 2-5 and col. 8, line 47 – col. 10, line 54), (vii) applying the modifier to any provided values of the first round to form a modified value of the second round, if the determination is that the player obtains the modifier, and (viii) providing the modified value if the determination is that the player obtains the modifier, in which the examiner interprets the choosing of a desirable answer associated with a value/modifier and choosing another desirable answer and obtaining another value/modifier and add the two outcomes to be an equivalent to applying the modifier to any provided values of the first round to form a modified value of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claim 44.

The higher the number of provided values of the first round, the lower the probability of obtaining the modifier of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claims 45, 51, 57, and 59.

The higher the number of provided values of the first round, the higher the probability of obtaining the modifier of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claims 46 and 60.

A first round, a plurality of values of the first round, in which the examiner interprets the choosing of a desirable answer associated with a value to be an equivalent to a first round and a plurality of values of the first round (figures 2-5 and col. 8, line 47 – col. 10, line 54), wherein each value is associated with a probability, a second round including a modifier, a plurality of probabilities of obtaining the modifier of the second round, in which the examiner interprets the choosing of another desirable answer associated within a value capable of being a modifier to be



an equivalent to a second round and a plurality of probabilities of obtaining the modifier (figures 2-5 and col. 8, line 47 – col. 10, line 54), a plurality of selections (figure 2), a display device (figure 1), and a processor operable with the display device to: (a) enable a player to play the first round, wherein the first round includes: (i) selecting one of the plurality of values, in which the examiner interprets the choosing of a desirable answer to be an equivalent to enable a player to play the first round, (ii) associating the selected value with at least one of the selections (figure 2), wherein the number of selections associated with the selected value is based on the probability associated with the selected value (figures 2-5 and col. 8, line 47 – col. 10, line 54), (iii) enabling the player to pick one of the selections, (iv) revealing if the selected value is associated with the player picked selection (figure 2), and (v) repeating steps (i) to (iv) until the occurrence of a terminating event, in which the examiner interprets the terminating event to be choosing of an undesirable answer (figure 2 item 44), (b) enabling the player to play the second round after the occurrence of the terminating event, in which the examiner interprets the choosing of another desirable answer after the choosing of an undesirable answer was chosen to be an equivalent to enabling the player to play the second round after the occurrence of the terminating event, wherein the second round includes: (vi) selecting one of the probabilities of obtaining the modifier of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54), wherein the probability of obtaining the modifier of the second round is selected based on the number of revealed values of the first round (figures 2-5 and col. 8, line 47 – col. 10, line 54), (vii) associating the modifier with at least one of the selections, wherein the number of selections

associated with the modifier is based on the selected probability of obtaining the modifier in the second round, (viii) enabling the player to pick one of the selections, (ix) revealing if the modifier is associated with the player picked selection, (x) applying the modifier to any revealed values of the first round to form a modified value of the second round, if the modifier is associated with the player picked selection, (xi) providing the modified value if the modifier is associated with the player picked selection, and (xii) providing any revealed values of the first round if the modifier is not associated with the player picked selection, in which the examiner interprets the choosing of a desirable answer associated with a value/modifier in the first round and choosing another desirable answer and obtaining another value/modifier in the second round and add the two outcomes to be an equivalent to applying the modifier to any provided values of the first round to form a modified value of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claim 47.

A plurality of terminators (figure 2 items 44, 46, and 48) as recited in claims 48 and 54.

The processor is operable to provide the player one of the terminators in the first round if the player's picked selection is not associated with the selected value, in which the examiner interprets the choosing of an undesirable answer to be an equivalent to the processor is operable to provide the player one of the terminators in the first round if the player's picked selection is not associated with the selected value (figure 2) as recited in claims 49 and 55.

The terminating event occurs when the player is provided a designated number of terminators (figure 2 items 44, 46, and 48) as recited in claims 50 and 56.

A first round, a plurality of values of the first round, in which the examiner interprets the choosing of a desirable answer associated with a value to be an equivalent to a first round and a plurality of values of the first round (figure 2), a plurality of opportunities of the first round, wherein each opportunity is associated with a probability of obtaining one of the values, a plurality of selections (figures 2-5 and col. 8, line 47 – col. 10, line 54), a second round including a modifier, in which the examiner interprets the choosing of another desirable answer associated with a value/modifier to be an equivalent to a second round including a modifier, a plurality of probabilities of obtaining the modifier of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54), a display device (within figure 1), and a processor operable with the display device to: (a) enable a player to play the first round, wherein the first round includes: (i) selecting one of the opportunities of the first round, (ii) selecting one of the values for the selected opportunity, (iii) associating the selected value with at least one of the selections, in which the examiner interprets the choosing of a desirable answer associated with a value to be an equivalent to the first round (i-iii), wherein the number of selections associated with the selected value is based on the probability associated with the selected opportunity (figures 2-5 and col. 8, line 47 – col. 10, line 54), (iv) enabling the player to pick one of the selections (figure 2), (v) revealing if the selected value is associated with the player picked selection, in which the examiner interprets the choosing of a desirable answer to be an equivalent to the selected value is associated with the player picked selection, and (vi) repeating steps

(i) to (v) until the occurrence of a terminating event, in the examiner interprets the terminating event to be equivalent to the choosing of an undesirable answer (figure 2 items 44, 46, and 48), (b) enabling the player to play the second round after the occurrence of the terminating event, in which the examiner interprets the choosing of another desirable answer after the choosing of an undesirable answer was chosen to be an equivalent to enabling the player to play the second round after the occurrence of the terminating event, wherein the second round includes: (vii) selecting one of the probabilities of obtaining the modifier of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54), wherein the probability of obtaining the modifier of the second round is selected based on the number of revealed values of the first round (figures 2-5 and col. 8, line 47 – col. 10, line 54), (viii) associating the modifier with at least one of the selections, wherein the number of selections associated with the modifier is based on the selected probability of obtaining the modifier in the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54), (ix) enabling the player to pick one of the selections, (x) revealing if the modifier is associated with the player picked selection, (xi) applying the modifier to any revealed values of the first round to form a modified value of the second round, if the modifier is associated with the player picked selection, (xii) providing the modified value if the modifier is associated with the player picked selection, and (xiii) providing any revealed values of the first round if the modifier is not associated with the player picked selection, in which the examiner interprets the choosing of a desirable answer associated with a value/modifier in the first round and choosing another desirable answer and obtaining another value/modifier in the second round

and add the two outcomes to be an equivalent to applying the modifier to any provided values of the first round to form a modified value of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claim 52.

The terminating event occurs when the steps (i) to (v) are repeated for a designated number of opportunities, in which the examiner interprets the choosing of three undesirable answers (figure 2 items 44, 46, and 48) as recited in claim 53.

A primary wagering game operable upon a wager by a player, a first round, a plurality of values of the first round, in which the examiner interprets the choosing of a desirable answer associated with a value to be an equivalent to a first round and a plurality of values of the first round (figure 2), wherein each value is associated with a probability (figures 2-5 and col. 8, line 47 – col. 10, line 54), a second round including a modifier, in which the examiner interprets the choosing another desirable value associated with a value/modifier to be an equivalent to a second round including a modifier, a plurality of probabilities of obtaining the modifier of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54), and a triggering event associated with the primary wagering game, inherently there must be some type of trigger event in a bonus or a secondary type event feature, wherein after the occurrence of the triggering event: (a) the player is enabled to play the first round, wherein in the first round: (i) one of the plurality of values is selected, (ii) a determination occurs of whether to provide the selected value to the player, wherein the determination is based on the probability associated with the selected value (figures 2-5 and col. 8, line 47 – col. 10, line 54), (iii) the selected value is provided to the player if the determination is to provide the selected value to the player, and (iv)

steps (i) to (iii) are repeated until the occurrence of a terminating event, (b) the player is enabled to play the second round after the occurrence of the terminating event, in which the examiner interprets the choosing of another desirable answer after the choosing of an undesirable answer was chosen to be an equivalent to enabling the player to play the second round after the occurrence of the terminating event, wherein in the second round: (v) one of the probabilities of obtaining the modifier of the second round is selected, wherein the probability of obtaining the modifier is selected based on the number of provided values of the first round (figures 2-5 and col. 8, line 47 – col. 10, line 54), (vi) a determination occurs of whether the player obtains the modifier, wherein the determination is based on the selected probability of obtaining the modifier, (vii) the modifier is applied to any provided values of the first round to form a modified value of the second round, if the determination is that the player obtains the modifier, and (viii) the modified value is provided to the player if the determination is that the player obtains the modifier, in which the examiner interprets the choosing of a desirable answer associated with a value/modifier in the first round and choosing another desirable answer and obtaining another value/modifier in the second round and add the two outcomes to be an equivalent to applying the modifier to any provided values of the first round to form a modified value of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claim 58.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berg et al. (US 6,863,606) in view Joshi (US 6,485,367).

8. Berg et al discloses the following:

A first round, a plurality of different outcomes of the first round, in which the examiner interprets the choosing one of a desirable answer to be an equivalent to a first round and a plurality of different outcomes of the first round (figure 2), a second round, at least one winning outcome of the second round, in which the examiner interprets the choosing another desirable answer to be an equivalent to a second round and at least one winning outcome of the second round (figure 2), a plurality of different probabilities of providing the winning outcome of the second round (tables in col. 9 – col. 10) , a display device (16), and a processor (within game machine 10) operable with the display device to (a) select and display at least one of the outcomes of the first round (figure 2 and col. 8, line 47 – col. 10, line 54), (d) select one of the different probabilities of providing the positive outcome of the second round, wherein the probability of providing the positive outcome of the second round is selected based on the selected outcome of the first round (figure 2 and col. 8, line 47 – col. 10, line 54), and (e) determine whether to provide the player

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the positive outcome of the second round if the player rejects the selected outcome of the first round, wherein the determination is based on the selected probability of providing the positive outcome of the second round (figures 2-5 and col. 8, line 47 – col. 10, line 54) as recited in claim 35.

Berg et al does not expressly disclose the following:

Enable a player to accept or reject the selected outcome of the first round and provide the player the selected outcome of the first round if the player accepts the selected outcome of the first round as recited in claim 35.

Joshi teaches the following:

Enable a player to accept or reject the selected outcome of the first round and provide the player the selected outcome of the first round if the player accepts the selected outcome of the first round (col. 6, line 66 – column 7, line 15) as recited in claim 35. By having enabling a player to accept or reject the selected outcome, one of ordinary skill in the art would provide game players a chance at a bigger payout outcome, which will attract frequent play by enhancing the entertainment value and excitement associated with the game.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Berg et al to include enabling a player to accept or reject the selected outcome of the first round and provide the player the selected outcome of the first round if the player accepts the selected outcome of the first round as taught by Joshi to provide game players a chance at a bigger payout outcome, which will attract frequent play by enhancing the entertainment value and excitement associated with the game.



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9. Claims 37-38 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg et al. (US 6,863,606) in view of Vancura (US 6,033,307).

10. Berg et al discloses the claimed invention as discussed above except for the following:

The display device is a mechanical device, wherein each display device includes a first position associated with one of the outcomes of the first round and a second position associated with the outcome of the second round that is associated with the outcome of the first round as recited in claims 37 and 40.

The processor is operable to move the display device to the first position to display the selected outcome of the first round, wherein once the display device is moved to the first position, the display device cannot simultaneously display the outcome associated with the second position as recited in claims 38 and 41.

Vancura teaches the following:

The display device is a mechanical device, in which the examiner interprets the secondary game machine to be an equivalent to the display device is a mechanical device, wherein each display device includes a first position (figure 4 item 408) associated with one of the outcomes of the first round and a second position (figure 4 item 408) associated with the outcome of the second round that is associated with the outcome of the first round, in which the examiner interprets the outcome of the payline (65) determines the position of the character (402) to be an equivalent to a first position associated with one of the outcomes of the first round and a second position associated with the outcome of the second round that is associated with the outcome of the second round with the outcome of the first round (figure 4) as recited in claims 37 and 40.

The processor is operable to move the display device to the first position to display the selected outcome of the first round (figure 4 item 402), wherein once the display device is moved to the first position (figure 4 item 408), the display device cannot simultaneously display the outcome associated with the second position, in which the examiner interprets the outcome on the payline (65) that determines the character (402) moving towards the next position (408) has not yet been determined (spun) to be equivalent to the display device cannot simultaneously display the outcome associated with the second position as recited in claims 38 and 41. By displaying the positions of the selected outcomes, one of ordinary skill in the art would provide game players with a visual destination or goal to allow the highest possible accumulated winning outcome values.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Berg et al to include the display device, wherein each display device includes a first position associated with one of the outcomes of the first round and a second position associated with the outcome of the second round that is associated with the outcome of the first round and the processor is operable to move the display device to the first position to display the selected outcome of the first round, wherein once the display device is moved to the first position, the display device cannot simultaneously display the outcome associated with the second position as taught by Vancura to provide game players with a visual destination or goal to allow the highest possible accumulated winning outcome values.

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***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hughs-Baird (US 6,749,504), Seelig et al. (US 2004/0048659), Kamille (US 5,092,598), and Vancura (US 2003/0195030) disclose different player selection type games.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JESSICA HARRISON  
PRIMARY EXAMINER